

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA, *et al.*,
ex rel. STF, LLC,

Plaintiffs,

V.

TRUE HEALTH DIAGNOSTICS, LLC, *et al.*,

Defendants.

Civil Action No. 4:16-CV-547

FILED UNDER SEAL

**THE UNITED STATES' NOTICE OF FILING OF INTERVENTION COMPLAINT AND
MOTION FOR BRIEF EXTENSION OF THE SEAL**

The United States of America, by and through the undersigned counsel, notifies this Court of the United States’ filing of its Complaint in intervention as to defendants Christopher Grottenthaler and Jeffrey “Boomer” Cornwell, which names additional defendants, in the above-case, and hereby requests that this Court keep this case and the United States’ Complaint, concurrently filed herewith, under seal through March 2, 2022.

On December 20, 2021, the United States filed its Notice of Intervention (Docket No. 56) and requested that this Court unseal the relator's Complaint, Amended Complaint, Second Amended Complaint, and the Notice of Intervention. As of the date of this Notice and request, the proposed order unsealing this case has not yet been entered. This case continues to remain under seal. Due to pending settlement negotiations with certain named defendants, the United States now respectfully requests that this Court maintain the seal of this case and over all pleadings filed herein, including the Complaint filed concurrently herewith, for an additional thirty (30) days to

facilitate ongoing settlement negotiations. Government counsel respectfully submits that good cause exists for the United States' request for this thirty (30) day extension of the seal period.

During the settlement process, the need may arise for the United States to share its Complaint with the named defendants and related entities, such as their insurers or lenders. The United States therefore respectfully requests that the Court partially lift the seal in this case to permit the United States, in its sole discretion, to disclose its Complaint and any amendments thereto, in whole or in part, the existence of this action, and/or the allegations or nature of the claims asserted therein to any individual or entity where the United States believes such disclosure is appropriate.

A proposed order accompanies this notice.

Date: January 31, 2022

Respectfully submitted,

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BRIT FEATHERSTON
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**ATTORNEYS FOR THE
UNITED STATES OF AMERICA**

CERTIFICATE OF SERVICE

I hereby certify on this 31st day of January 2022, I caused copies of the United States' Notice of Filing of Intervention Complaint and Motion for Brief Extension of the Seal to be served by electronic mail on:

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Because this action is under seal pursuant to 31 U.S.C. §§ 3729-3733, Defendants have not been served with copies of the foregoing Notice of Filing of Intervention Complaint and Motion for .

/s/ James Gillingham
JAMES GILLINGHAM

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ORDER

The United States having intervened in part and declined to intervene in part of this action pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the Court rules as follows:

IT IS ORDERED that,

1. All papers and Orders filed in this matter, including the United States of America's Complaint filed on January 31, 2022 shall remain under seal for thirty (30) days, up to and including March 2, 2022;
2. The United States, in its sole discretion, may disclose the United States' Complaint and any amendments thereto, in whole or in part, the existence of this action, and/or the allegations or nature of the claims asserted therein to any individual or entity where the United States believes such disclosure is appropriate while this case and the Complaint remains under seal;

3. The relator's Complaint, Amended Complaint, Second Amended Complaint, the United States' Notice of Intervention, the United States' Complaint, and this Order be unsealed on March 3, 2022;
4. The United States shall serve its Complaint within 90 days after the Complaint is filed;
5. The relator shall serve its Second Amended Complaint within 90 days;
6. All other papers and Orders on file in this matter shall remain under seal;
7. The seal be lifted on all other matters occurring in this action after March 2, 2022;
8. As to the part of the action in which the United States has declined to intervene, the parties shall serve all pleadings and motions filed in that part of the action, including supporting memoranda, upon the United States, as provided for in 31 U.S.C. § 3730(c)(3). The United States may order any deposition transcripts and is entitled to intervene in that part of the action, for good cause, at any time;
9. All orders of this Court shall be sent to the United States; and that
10. Should the relator or a defendant propose that the part of the action in which the United States has declined to intervene be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval.

IT IS SO ORDERED.

SIGNED this _____ day of January, 2022.